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**BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

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11 In the Matter of the Accusation Against:

Case No. 77/06-57

12 **YOUNG JOO JIN**  
13 **DOING BUSINESS AS**  
14 **TONY AUTO REPAIR**  
14636 S. Western Avenue  
Gardena, California 90249

**ACCUSATION**

15 Automotive Repair Dealer Registration  
No. AA 187357  
16 Official Brake Station License No. BA 187357  
Official Lamp Station License No. LA 187357

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and

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19 **DONG K. JIN**  
1830 147th Street  
Gardena, California 90249

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21 Brake Adjuster License No. JC 135755-C  
Lamp Adjuster License No. RY 135755-A

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Respondents.

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Richard Ross ("Complainant") alleges:

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**PARTIES**

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1. Complainant brings this Accusation solely in his official capacity as the

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Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1                   **Automotive Repair Dealer Registration**

2                   2.       On or about January 30, 1996, the Bureau issued Automotive Repair  
3 Dealer Registration No. AA 187357 ("registration") to Young Joo Jin ("Respondent Tony  
4 Auto"), doing business as Tony Auto Repair. The registration was delinquent from January 31,  
5 1997, to November 18, 1997; January 31, 1998, to February 17, 1998; January 31, 2000, to  
6 February 15, 2000; January 31, 2001, to February 15, 2001; and January 31, 2002, to  
7 February 15, 2002. The registration will expire on January 31, 2007, unless renewed.

8                   **Official Brake Station License**

9                   3.       On or about January 13, 2003, the Bureau issued Official Brake Station  
10 License No. RA 187357 ("brake station license") to Respondent Tony Auto. The brake station  
11 license will expire on January 31, 2007, unless renewed.

12                   **Official Lamp Station License**

13                   4.       On or about January 13, 2003, the Bureau issued Official Lamp Station  
14 License No. LA 187357 ("lamp station license") to Respondent Tony Auto. The lamp station  
15 license will expire on January 31, 2007, unless renewed.

16                   **Brake Adjuster License**

17                   5.       On or about July 8, 2002, the Bureau issued Brake Adjuster License No.  
18 JC 135755-C ("brake adjuster license") to Dong K. Jin ("Respondent Jin"). The brake adjuster  
19 license was in full force and effect at all times relevant to the charges brought herein and will  
20 expire on November 30, 2006, unless renewed.

21                   **Lamp Adjuster License**

22                   6.       On or about September 9, 2002, the Bureau of Automotive Repair issued  
23 Lamp Adjuster License No. RY 135755-A to Respondent Jin. The lamp adjuster license was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2006, unless renewed.

26                   **STATUTORY PROVISIONS**

27                   7.       Section 9884.7 of the Business and Professions Code ("Code") states, in  
28 pertinent part:

1 (a) The director, where the automotive repair dealer cannot show there  
2 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
3 permanently, the registration of an automotive repair dealer for any of the  
4 following acts or omissions related to the conduct of the business of the  
automotive repair dealer, which are done by the automotive repair dealer or any  
automotive technician, employee, partner, officer, or member of the automotive  
repair dealer.

5 (1) Making or authorizing in any manner or by any means whatever any  
6 statement written or oral which is untrue or misleading, and which is known, or  
7 which by the exercise of reasonable care should be known, to be untrue or  
misleading.

8 (2) Causing or allowing a customer to sign any work order which does not  
9 state the repairs requested by the customer or the automobile's odometer reading  
at the time of repair.

10 (4) Any other conduct which constitutes fraud.

11 (6) Failure in any material respect to comply with the provisions of this  
12 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or  
regulations adopted pursuant to it.

13 (b) Except as provided for in subdivision (c), if an automotive repair  
14 dealer operates more than one place of business in this state, the director pursuant  
15 to subdivision (a) shall only refuse to validate, or shall only invalidate temporarily  
16 or permanently the registration of the specific place of business which has  
violated any of the provisions of this chapter. This violation, or action by the  
director, shall not affect in any manner the right of the automotive repair dealer to  
operate his or her other places of business.

17 (c) Notwithstanding subdivision (b), the director may refuse to validate, or  
18 may invalidate temporarily or permanently, the registration for all places of  
19 business operated in this state by an automotive repair dealer upon a finding that  
the automotive repair dealer has, or is, engaged in a course of repeated and willful  
violations of this chapter, or regulations adopted pursuant to it.

20 8. Code section 9884.8 states:

21 All work done by an automotive repair dealer, including all warranty  
22 work, shall be recorded on an invoice and shall describe all service work done and  
23 parts supplied. Service work and parts shall be listed separately on the invoice,  
24 which shall also state separately the subtotal prices for service work and for parts,  
25 not including sales tax, and shall state separately the sales tax, if any, applicable to  
26 each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall  
clearly state that fact. If a part of a component system is composed of new and  
used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The  
invoice shall include a statement indicating whether any crash parts are original  
equipment manufacturer crash parts or nonoriginal equipment manufacturer  
aftermarket crash parts. One copy of the invoice shall be given to the customer  
and one copy shall be retained by the automotive repair dealer.

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9. Code section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost, and shall do either of the following:

(1) Make a notation on the invoice of the same facts set forth in the notation on the work order .

(2) Upon completion of repairs, obtain the customer's signature or initials to an acknowledgment of notice and consent, if there is an oral consent of the customer to additional repairs, in the following language:

(1) Make a notation on the invoice of the same facts set forth in the notation on the work order .

(2) Upon completion of repairs, obtain the customer's signature or initials to an acknowledgment of notice and consent, if there is an oral consent of the customer to additional repairs, in the following language:

I acknowledge notice and oral approval of an increase in the original estimated price.

\_\_\_\_\_  
(signature or initials)

Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair.

10. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

11. Code section 9889.1 provides, in pertinent part, that the Director may suspend or revoke any license issued under Articles 5 and 6 (commencing with Code section 9887.1) of the Automotive Repair Act.

1           12. Code section 9889.7 provides, in pertinent part, that the expiration or  
2 suspension of a license by operation of law or by order or decision of the Director or a court of  
3 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
4 proceed with any disciplinary proceedings.

5           13. Code section 9889.3 states, in pertinent part:

6           The director may suspend, revoke, or take other disciplinary action against  
7 a license as provided in this article [Article 7 (commencing with Code section  
8 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
9 director thereof:

10           (a) Violates any section of the Business and Professions Code which  
11 relates to his or her licensed activities.

12           (c) Violates any of the regulations promulgated by the director pursuant to  
13 this chapter [the Automotive Repair Act].

14           (d) Commits any act involving dishonesty, fraud, or deceit whereby  
15 another is injured.

16           (h) Violates or attempts to violate the provisions of this chapter relating to  
17 the particular activity for which he or she is licensed.

18           14. Code section 9889.16 states:

19           Whenever a licensed adjuster in a licensed station upon an inspection or  
20 after an adjustment, made in conformity with the instructions of the bureau  
21 determines that the lamps or the brakes upon any vehicle conform with the  
22 requirements of the Vehicle Code, he shall, when requested by the owner or driver  
23 of the vehicle, issue a certificate of adjustment on a form prescribed by the  
24 director, which certificate shall contain the date of issuance, the make and  
25 registration number of the vehicle, the name of the owner of the vehicle, and the  
26 official license of the station.

27           15. Code section 9889.22 states:

28           The willful making of any false statement or entry with regard to a  
material matter in any oath, affidavit, certificate of compliance or noncompliance,  
or application form which is required by this chapter [the Automotive Repair Act]  
or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the  
Health and Safety Code constitutes perjury and is punishable as provided in the  
Penal Code.

1           16. California Code of Regulations, title 16, section 3305 states, in pertinent  
2 part:

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1 (a) Performance Standards. All adjusting, inspecting, servicing, and  
2 repairing of brake systems and lamp systems shall be performed in official  
3 stations in accordance with current standards, specifications, instructions, and  
4 directives issued by the bureau and by the manufacturer of the device or vehicle.

5 17. California Code of Regulations, title 16, section 3316 states, in pertinent  
6 part:

7 (d)(2) Inspection of the Entire Lighting System. Where all of the lamps,  
8 lighting equipment, and related electrical systems on a vehicle have been  
9 inspected and found in compliance with all requirements of the Vehicle Code and  
10 bureau regulations, the certificate shall certify that the entire system meets all such  
11 requirements.

12 18. California Code of Regulations, title 16, section 3316 states, in pertinent  
13 part:

14 (c)(2) Inspection of the Entire Brake System. Where the entire brake  
15 system on any vehicle has been inspected or tested and found in compliance with  
16 all requirements of the Vehicle Code and bureau regulations, and the vehicle has  
17 been road-tested, the certificate shall certify that the entire system meets all such  
18 requirements.

19 19. Code section 490 provides, in pertinent part, that a board may suspend or  
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
21 to the qualifications, functions or duties of the business or profession for which the license was  
22 issued.

23 20. Code section 477 provides, in pertinent part, that "Board" includes  
24 "bureau," "commission," "committee," "department," "division," "examining committee,"  
25 "program," and "agency." "License" includes certificate, registration or other means to engage  
26 in a business or profession regulated by the Code.

27 21. Code section 125.3 provides, in pertinent part, that a board may request  
28 the administrative law judge to direct a licentiate found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case.

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1 29 through 32, below. Such crimes are substantially related to the qualifications, functions, and  
2 duties of a licensed brake and lamp adjuster.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Code)**

5 29. Respondent Jin has subjected his brake and lamp adjuster licenses to  
6 discipline under Code section 9889.3, subdivision (a), in that on or about December 23, 2004, he  
7 failed to comply with Code section 9889.22 as follows:

8 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,  
9 certifying that the turn signal lights were operational and the headlights had been inspected for  
10 aim. In fact, the headlights were out of adjustment and the left front turn signal light was  
11 inoperative.

12 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,  
13 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the  
14 vehicle's lighting system.

15 c. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,  
16 certifying that the front and rear brake drums and rotors were satisfactory. In fact, the front brake  
17 rotors did not meet the manufacturer's specifications for minimum thickness.

18 d. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,  
19 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not  
20 inspect the vehicle's brake system.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations)**

23 30. Respondent Jin has subjected his brake and lamp adjuster licenses to  
24 discipline under Code section 9889.3, subdivision (a), in that on or about December 23, 2004, he  
25 failed to comply with the provisions of California Code of Regulations, title 16, section 3305,  
26 subdivision (c), as follows:

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1           d.     Respondent Tony Auto issued Brake Certificate of Adjustment No.  
2 BC006557, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,  
3 Respondent Jin did not inspect the vehicle's brake system.

4                                   **THIRTEENTH CAUSE FOR DISCIPLINE**

5                                   **(Failure to Record Current Odometer Reading)**

6           36.    Respondent Tony Auto has subjected his registration to discipline under  
7 Code section 9884.7, subdivision (a)(2), in that on or about February 2, 2005, Respondent  
8 allowed the operator to sign a work order that did not contain the vehicle's current odometer  
9 reading.

10                                   **FOURTEENTH CAUSE FOR DISCIPLINE**

11                                   **(Invoice Violations)**

12           37.    Respondent Tony Auto has subjected his registration to discipline under  
13 Code section 9884.7, subdivision (a)(6), in that on or about February 2, 2005, he failed to comply  
14 with provisions of the following Code sections:

15           a.     **Section 9884.9, subdivision (a):**

16                   i.     Respondent Tony Auto failed to provide the operator with a written  
17 estimated price for parts and labor for a specific job.

18                   ii.    Respondent Tony Auto failed to obtain the operator's signed  
19 authorization prior to commencement of repairs.

20           b.     **Section 9889.22:**

21                   i.     Respondent Tony Auto issued Lamp Certificate of Adjustment No.  
22 LC006158, certifying that the license plate lamp was operational and the headlights had been  
23 inspected for aim. In fact, the headlights were out of adjustment and the license plate lamp was  
24 inoperative.

25                   ii.    Respondent Tony Auto issued Lamp Certificate of Adjustment  
26 No. LC006158, certifying that Respondent Jin had inspected the vehicle's lights. In fact,  
27 Respondent Jin did not inspect the vehicle's lighting system.

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1                   iii.     Respondent Tony Auto issued Brake Certificate of Adjustment No.  
2 BC006557, certifying that the front and rear brake rotors and drums were satisfactory. In fact,  
3 the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

4                   iv.     Respondent Tony Auto issued Brake Certificate of Adjustment No.  
5 BC006557, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,  
6 Respondent Jin did not inspect the vehicle's brake system.

7   **FIFTEENTH CAUSE FOR DISCIPLINE**

8   **(Failure to Comply with Regulations)**

9                   38.     Respondent Tony Auto has subjected his registration to discipline under  
10 Code section 9884.7, subdivision (a)(6), in that on or about February 2, 2005, he failed to comply  
11 with the following sections of California Code of Regulations, title 16:

12                   a.     **Section 3305, subdivision (a):** Respondent Tony Auto failed to perform  
13 the brake and lamp inspections in accordance with current standards, specifications, instructions,  
14 and directives issued by the Bureau.

15                   b.     **Section 3316, subdivision (d)(2):** Respondent Tony Auto failed to  
16 inspect the entire lighting system of the 1987 Toyota Camry.

17                   c.     **Section 3321, subdivision (c)(2):** Respondent Tony Auto failed to  
18 inspect the entire brake system of the 1987 Toyota Camry.

19   **SIXTEENTH CAUSE FOR DISCIPLINE**

20   **(Failure to Comply with Regulations)**

21                   39.     Respondent Tony Auto has subjected his official brake and lamp station  
22 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on or  
23 about February 2, 2005, he committed acts in violation of Code and the California Code of  
24 Regulations, title 16, relating to Respondent Tony Auto's licensed activities, as set forth in  
25 paragraphs 34 through 38, above.

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Code)**

3 40. Respondent Jin has subjected his lamp and brake adjuster licenses to  
4 discipline under Code section 9889.3, subdivision (a), in that on or about February 2, 2005, he  
5 failed to comply with Code section 9889.22 as follows:

6 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC006158,  
7 certifying that the license plate lamp was operational and the headlights had been inspected for  
8 aim. In fact, the headlights were out of adjustment and the license plate lamp was inoperative.

9 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC006158,  
10 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the  
11 vehicle's lighting system.

12 c. Respondent Jin issued Brake Certificate of Adjustment No. BC006557,  
13 certifying that the front and rear brake rotors and drums were satisfactory. In fact, the front brake  
14 rotors did not meet the manufacturer's specifications for minimum thickness.

15 d. Respondent Jin issued Brake Certificate of Adjustment No. BC006557,  
16 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not  
17 inspect the vehicle's brake system.

18 **EIGHTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations)**

20 41. Respondent Jin has subjected his lamp and brake adjuster licenses to  
21 discipline under Code section 9889.3, subdivision (a), in that on or about February 2, 2005, he  
22 failed to comply with the provisions of California Code of Regulations, title 16, section 3305,  
23 subdivision (c), as follows:

24 a. Respondent Jin failed to perform the lamp inspection of the 1987 Toyota  
25 Camry in accordance with current standards, specifications, instructions, and directives issued by  
26 the Bureau.

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1 Tony Auto's facility to obtain brake and lamp inspections. The vehicle's rear brake drums were  
2 oversized and did not meet the manufacturer's specifications, the headlights were misadjusted,  
3 and the back up lights were inoperative because the bulbs were defective. The operator spoke  
4 with a male who identified himself as "Tony;" however, "Tony" was later identified as  
5 Respondent Jin. The operator requested brake and lamp inspections for a salvage vehicle.  
6 Another employee turned the vehicle lights on and checked them. The employee opened the  
7 hood of the car. The employee then lifted the vehicle on a hoist and removed and reinstalled the  
8 right front and left rear wheels. At that time, Respondent Jin completed Brake Certificate No.  
9 BC042337 and Lamp Certificate No. LC041617 and provided the certificates to the operator.  
10 The operator paid Jin \$50 and requested an invoice. Respondent Jin did not provide the operator  
11 with an invoice. Respondent Jin did not inspect the operator's vehicle.

12 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

13 **(Misleading Statements)**

14 45. Respondent Tony Auto has subjected his registration to discipline under  
15 Code section 9884.7, subdivision (a)(1), in that on or about April 13, 2005, he made statements  
16 which he knew or which by exercise of reasonable care he should have known to be untrue or  
17 misleading as follows:

18 a. Respondent Tony Auto issued Lamp Certificate of Adjustment No.  
19 LC041617, certifying that the back up lights were operational and the headlights had been  
20 inspected for aim. In fact, the headlights were out of adjustment and the back up lights were  
21 inoperative.

22 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.  
23 LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent  
24 Jin did not inspect the vehicle's lighting system.

25 c. Respondent Tony Auto issued Brake Certificate of Adjustment No.  
26 BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In fact,  
27 the rear brake drums were oversized and did not meet the manufacturer's specifications.

28 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.

1 BC042337, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,  
2 Respondent Jin did not inspect the vehicle's brake system.

3 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 46. Respondent Tony Auto has subjected his registration to discipline under  
6 Code section 9884.7, subdivision (a)(4), in that on or about April 13, 2005, he committed fraud  
7 when he accepted payment from the operator for the following certificates:

8 a. Respondent Tony Auto issued Lamp Certificate of Adjustment No.  
9 LC041617, certifying that the back up lights were operational and the headlights had been  
10 inspected for aim. In fact, the headlights were out of adjustment and the back up lights were  
11 inoperative.

12 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.  
13 LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent  
14 Jin did not inspect the vehicle's lighting system.

15 c. Respondent Tony Auto issued Brake Certificate of Adjustment  
16 No. BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In  
17 fact, the rear brake drums were oversized and did not meet the manufacturer's specifications.

18 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.  
19 BC042337, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,  
20 Respondent Jin did not inspect the vehicle's brake system.

21 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

22 **(Invoice Violations)**

23 47. Respondent Tony Auto has subjected his registration to discipline under  
24 Code section 9884.7, subdivision (a)(6), in that on or about April 13, 2005, he failed to comply  
25 with provisions of the following Code sections

26 a. **Section 9884.8:** Respondent Tony Auto failed to provide the operator  
27 with a final invoice.

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b. **Section 9884.9, subdivision (a):**

i. Respondent Tony Auto failed to provide the operator with a written estimated price for parts and labor for a specific job.

ii. Respondent Tony Auto failed to obtain the operator's signed authorization prior to commencement of repairs.

c. **Section 9889.22:**

i. Respondent Tony Auto issued Lamp Certificate of Adjustment No. LC041617, certifying that the back up lights were operational and the headlights had been inspected for aim. In fact, the headlights were out of adjustment and the back up lights were inoperative.

ii. Respondent Tony Auto issued Lamp Certificate of Adjustment No. LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the vehicle's lighting system.

iii. Respondent Tony Auto issued Brake Certificate of Adjustment No. BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In fact, the rear brake drums were oversized and did not meet the manufacturer's specifications.

iv. Respondent Tony Auto issued Brake Certificate of Adjustment No. BC042337, certifying that Respondent Jin had inspected the vehicle's brake system. In fact, Respondent Jin did not inspect the vehicle's brake system.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

48. Respondent Tony Auto has subjected his registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about April 13, 2005, he failed to comply with the following sections of California Code of Regulations, title 16:

a. **Section 3305, subdivision (a):** Respondent Tony Auto failed to perform the brake and lamp inspections in accordance with current standards, specifications, instructions, and directives issued by the Bureau.

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1           b.     Section 3316, subdivision (d)(2): Respondent Tony Auto failed to  
2 inspect the entire lighting system of the 1994 Chevrolet S-10 truck.

3           c.     Section 3321, subdivision (c)(2): Respondent Tony Auto failed to  
4 inspect the entire brake system of the 1994 Chevrolet S-10 truck.

5                           **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

6                                   **(Failure to Comply with Regulations)**

7           49.     Respondent Tony Auto has subjected his official brake and lamp station  
8 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on or  
9 about April 13, 2005, he committed acts in violation of the Code and California Code of  
10 Regulations, title 16, relating to Respondent Tony Auto's licensed activities, as set forth in  
11 paragraphs 45 through 48, above.

12                           **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

13                                   **(Failure to Comply with Code)**

14           50.     Respondent Jin has subjected his lamp and brake adjuster licenses to  
15 discipline under Code section 9889.3, subdivision (a), in that on or about April 13, 2005, he  
16 failed to comply with Code section 9889.22 as follows:

17           a.     Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,  
18 certifying that the back up lights were operational and the headlights had been inspected for  
19 aim. In fact, the headlights were out of adjustment and the back up lights were inoperative.

20           b.     Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,  
21 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the  
22 vehicle's lighting system.

23           c.     Respondent Jin issued Brake Certificate of Adjustment No. BC042337,  
24 certifying that the front and rear brake rotors and drums were satisfactory. In fact, the rear brake  
25 drums were oversized and did not meet the manufacturer's specifications.

26           d.     Respondent Jin issued Brake Certificate of Adjustment No. BC042337,  
27 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not  
28 inspect the vehicle's brake system.

1 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations)**

3 51. Respondent Jin has subjected his lamp and brake adjuster licenses to  
4 discipline under Code section 9889.3, subdivision (a), in that on or about April 13, 2005, he  
5 failed to comply with the provisions of California Code of Regulations, title 16, section 3305,  
6 subdivision (c), as follows:

7 a. Respondent Jin failed to perform the lamp inspection of the 1994  
8 Chevrolet S-10 pickup truck in accordance with current standards, specifications, instructions,  
9 and directives issued by the Bureau.

10 b. Respondent Jin failed to perform the brake inspection of the 1994  
11 Chevrolet S-10 pickup truck in accordance with current standards, specifications, instructions,  
12 and directives issued by the Bureau.

13 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Acts Involving Dishonesty, Fraud or Deceit)**

15 52. Respondent Jin has subjected his lamp and brake adjuster licenses to  
16 discipline under Code section 9889.3, subdivision (d), in that on or about April 13, 2005, he  
17 committed acts involving dishonesty, fraud or deceit as follows:

18 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,  
19 certifying that the back up lights were operational and the headlights had been inspected for  
20 aim. In fact, the headlights were out of adjustment and the back up lights were inoperative.

21 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,  
22 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the  
23 vehicle's lighting system.

24 c. Respondent Jin issued Brake Certificate of Adjustment No. BC042337,  
25 certifying that the front and rear brake rotors and drums were satisfactory. In fact, the rear brake  
26 drums were oversized and did not meet the manufacturer's specifications.

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1           d.     Respondent Jin issued Brake Certificate of Adjustment No. BC042337,  
2 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not  
3 inspect the vehicle's brake system.

4                                   **TWENTY-NINTH CAUSE FOR DISCIPLINE**

5                                   **(Failure to Comply with Chapter Requirements)**

6           53.     Respondent Jin has subjected his lamp and brake adjuster licenses to  
7 discipline under Code section 9889.3. subdivision (h), in that on or about April 13, 2005, he  
8 violated provisions of this Chapter, as set forth in paragraphs 50 through 52, above.

9                                   **OTHER MATTERS**

10          54.     Under Code section 9884.7, subdivision (c), the director may invalidate or  
11 refuse to validate, temporarily or permanently, the registrations for all places of business operated  
12 in this state by Young Joo Jin, doing business as Tony Auto Care, upon a finding that he has, or  
13 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to  
14 an automotive repair dealer.

15          55.     Under Code section 9889.9, if Official Brake Station License No.  
16 BA 187357, issued to Young Joo Jin, doing business as Tony Auto Care, is revoked or  
17 suspended, any additional license issued under this chapter in the name of said licensee may be  
18 likewise revoked or suspended by the director.

19          56.     Under Code section 9889.9, if Official Lamp Station License No.  
20 LA 187357, issued to Young Joo Jin, doing business as Tony Auto Care, is revoked or  
21 suspended, any additional license issued under this chapter in the name of said licensee may be  
22 likewise revoked or suspended by the director.

23          57.     Under Code section 9889.9, if Brake Adjuster License No.  
24 JC 135755-C, issued to Dong K. Jin, is revoked or suspended, any additional license issued  
25 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
26 director.

27          58.     Under Code section 9889.9, if Lamp Adjuster License No.  
28 RY 135755-A, issued to Dong K. Jin, is revoked or suspended, any additional license issued

1 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
2 director.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

6 1. Temporarily or permanently invalidating Automotive Repair Dealer  
7 Registration No. AA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;

8 2. Temporarily or permanently invalidating any other automotive repair  
9 dealer registration issued to Young Joo Jin, doing business as Tony Auto Repair;

10 3. Revoking or suspending Official Brake Station License No.  
11 BA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;

12 4. Revoking or suspending any additional license issued under this chapter in  
13 the name Young Joo Jin, doing business as Tony Auto Repair;

14 5. Revoking or suspending Official Lamp Station License No.  
15 LA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;

16 6. Revoking or suspending any additional license issued under this chapter in  
17 the name Young Joo Jin, doing business as Tony Auto Repair;

18 7. Revoking or suspending Brake Adjuster License No. JC 135755-C, issued  
19 to Dong K. Jin;

20 8. Revoking or suspending any additional license issued under this chapter in  
21 the name Dong K. Jin;

22 9. Revoking or suspending Lamp Adjuster License No. RY 135755-A, issued  
23 to Dong K. Jin.

24 10. Revoking or suspending any additional license issued under this chapter in  
25 the name Dong K. Jin;

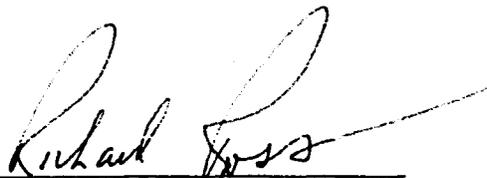
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11. Ordering Young Joo Jin and Dong K. Jin to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

12. Taking such other and further action as deemed necessary and proper.

DATED: 06.27.06



RICHARD ROSS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant